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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,537	08/20/2003	Dana Paul Gruenbacher	9345	6532
27752 7590 09/20/2007 THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION - WEST BLDG. WINTON HILL BUSINESS CENTER - BOX 412 6250 CENTER HILL AVENUE CINCINNATI, OH 45224			EXAMINER KENNEDY, SHARON E	
			ART UNIT 1615	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/644,537

Applicant(s)

GRUENBACHER ET AL.

Examiner

Sharon E. Kennedy

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-26, 28-31 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

The drawings were received on July 16, 2007. These drawings are not approved. They fail to show **every feature** of the invention specified in the claims. Therefore, the following items must be shown **or the feature(s) canceled from the claim(s). No new matter should be entered.**

1. The substrate comprising a first layer and a second layer, comprising a web, wherein the web comprising a sack.

2. The web comprising a first layer and a second layer, or further comprising a third layer, the third layer juxtaposed to the first layer, the third layer comprising a cleansing composition of at least one surface of the third layer, the fourth layer in communication and juxtaposed to the first layer, the bonding sites, lines points, and areas, the container having a seal which is removed (claim 28), the assembly of the various impermeable layers, permeable layers, etc., with the appropriate drawing symbols as required by MPEP 608.02, IX.

In short, applicant must show the assembly of the article and the various layers. Note the detail of drawings set forth in the prior art for guidance. No new matter is to be added.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4, 5, 6, 17-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Rivera et al., US 5,084,559. Regarding claim 1, Rivera shows an impermeable, rupturable sack 50 containing a cleansing composition, which anticipates applicant's claimed rupturable reservoir. Applicant's inflatable bladder merely comprises a "substrate." This broad limitation is almost without structure, and is mostly defined by it's function as being "inflatable." Applicant does not qualify how inflatable it must be, and has not even claimed a gas evolving composition, accordingly, the examiner takes the position that the limitation is met by the Rivera blotter layer 24, for example. Regarding claim 2, note the additional various layers. Regarding claim 5, note Rivera embodiment 21. Regarding claim 3, note that packet 28 may be present in a plurality of pouches disposed along the sheet. These plurality of pouches anticipate an inflatable bladder (comprising one packet 28) or a rupturable reservoir (comprising another packet 28). Applicant merely claims that they are "associated." No specific structural relationship is supplied. Regarding applying additional cleaning agents to the layers, note column 9, lines 42-45. Regarding the third and fourth layers, the claims are so broad these layers could be any of the Rivera layers. Regarding claim 24, note Figure 6.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera '559 in view of Bergquist, US 2003/0064042. Rivera shows all of the claimed embodiments except for the effervescent material. Bergquist exemplifies that the use of effervescent materials is well known in the art. It would be obvious to one of ordinary skill in the art to apply the Bergquist effervescent material to the Rivera device in order to improve the cleaning efficiency.

#### ***Allowable Subject Matter***

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to the rejection under 35 U.S.C. 101 have been fully considered and are persuasive. This rejection has been withdrawn. Although applicant did not independently argue the merits of claim 7, applicant's discussion of the low impermeable layers have been instructive. The claim distinguishes over the prior art of record. Regarding the arguments against the rejection under 35 U.S.C. 102, note that Rivera discloses the various embodiments as discussed above. Applicant's claims are so broad they read over the Rivera mop head. Regarding the arguments against the rejection under 35 U.S.C. 103, applicant's arguments are narrower than the claimed invention. Further, it would be an easy matter to substitute or insert the Bergquist cleansing pillow in exchange for any of the plurality of Rivera pouches, or insert the cleansing pillow next to the cleanser packet.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached on 571/272-8373.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Sharon E. Kennedy/*

Sharon E. Kennedy  
Primary Examiner  
Art Unit 1615